

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BARRY D. IRVIS,

Petitioner,

v.

**9:12-CV-1538
(FJS/TWD)**

**SUPERINTENDENT HAGGAT, Mt. McGregor
Correctional Facility,**

Respondent.

APPEARANCES

OF COUNSEL

BARRY D. IRVIS

08-A-4424

Gowanda Correctional Facility

P. O. Box 311

Gowanda, New York 14070

Petitioner *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

120 Broadway

New York, New York 10271

Attorneys for Respondent

PRISCILLA I. STEWARD, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Dancks' October 13, 2015 Order and Report-Recommendation, in which she recommended that this Court deny and dismiss Petitioner's writ of habeas corpus. *See* Dkt. No. 13. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Dancks' October 13, 2015 Order and Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Dancks' October 13, 2015 Order and Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Petitioner's writ of habeas corpus *see* Dkt. No. 1, is **DENIED** and **DISMISSED** in its entirety; and the Court further

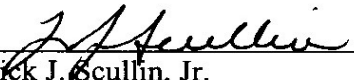
ORDERS that the Clerk of the Court shall enter judgment in favor of Respondent and close this case; and the Court further

ORDERS that no Certificate of Appealability will be issued in this case because Petitioner has not made a "substantial showing of the denial of a constitutional right" as 28 U.S.C. § 2253(c)(2) requires; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: November 3, 2015
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge